

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT G. WYCKOFF,	)	
	)	
Plaintiff,	)	
	)	
-VS-	)	
	)	Civil Action No. 00-2248
	)	
METROPOLITAN LIFE INSURANCE COMPANY	)	
and KENNETH F. KACZMAREK,	)	
	)	
Defendants.	)	

AMBROSE, Chief District Judge.

**MEMORANDUM ORDER OF COURT**

On October 3, 2006, Defendants filed a Motion *In Limine* to Strike Demand for Attorneys' Fees Under Plaintiffs' Unfair Trade Practices and Consumer Protection Law ("UTPCPL") Claim. (Docket No. 93). Defendants argue that Plaintiff is not entitled to attorneys' fees incurred prior to February 2, 1997, because the UTPCPL statutory language in effect prior to its 1996 amendment (effective 2/2/97) does not expressly provide litigants with the right to attorneys fees. In response, Plaintiff argues that he can recover attorneys fees incurred prior to February 2, 1997, under the UTPCPL. (Docket No. 110). Notwithstanding said arguments, Plaintiff further asserts in his Brief in Opposition that "Plaintiff [does] not seek an award for counsel fees incurred prior to the initiation of litigation in 2000." (Docket No. 113, p. 2). Plaintiff initiated litigation on October 13, 2000, by filing a Complaint in the Court of Common Pleas of Westmoreland at civil division No. 1011 of 2000. See, Docket No. 1. Thus, Plaintiff is not seeking an award of attorneys fees prior to February 2, 1997. Consequently,

the issue is moot.

THEREFORE, this **24<sup>th</sup>** day of October, 2006, it is ordered that Defendants' Motion *in Limine* to Strike Demand for Attorneys' Fees Under Plaintiff's UTPCPL Claim (Docket No. 93) is denied as moot.

BY THE COURT:

/S/ Donetta W. Ambrose

Donetta W. Ambrose,  
Chief U. S. District Judge